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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,774	01/26/2004	Clemens Johannes De Vroome	600.1260	9755

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EXAMINER
EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,774	Applicant(s) DE VROOME, CLEMENS JOHANNES	
	Examiner Laura Edwards	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/1/04 and 1/26/04</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-8 and 11 in the reply filed on 12/15/04 is acknowledged.

Claim Rejections - 35 USC § 112

Claims 1-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, Applicant claims in the preamble a "cooling roll stand" but the body of the claim fails to recite any structure directed to cooling. In other words, it is unclear how the stand functions to cool without the recitation of cooling rolls. Clarification is necessary.

In claim 1, line 9, "the first liquid" lacks antecedent basis.

In claim 11, Applicant claims in the preamble a "printing press" but the body of the claim fails to recite any structure directed to printing. In other words, it is unclear how printing results without at least one printing unit being recited.

In claim 11, last line, "the first liquid" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Switall (US 4,637,341).

Switall teaches an apparatus for applying a liquid mixture of silicone oil concentrate and at least water to a web moving through a printing press, the device having a reservoir (16) for the silicone oil concentrate, a supply source for the water (20), a mixing tank (22) for the silicone oil concentrate and the water, an applicator (12) for transferring the liquid mixture onto the web, the applicator having at least one container (24) for the liquid mixture, and a second tank (18) for an additional supply of silicone oil, the second tank being separate from the mixing tank. The Examiner has read the second tank as being a buffer tank although it is not explicitly referred to as a buffer tank. Applicant's buffer tank is merely construed as an additional tank for the silicone oil that is separate from the first reservoir of silicone oil and the mixing tank. Note that the cooling roll stand as set forth in the preamble has been given no patentable weight because the body of the claim does not recite any structure to cooling.

With respect to claim 2, see supply line (34) from the additional tank (18) to the mixing tank (22) and valve (37a) in the supply line working in conjunction with pump (36) connected to a controller or regulator (62) for providing intermittent or interrupted flow (i.e., start/stop) flow of silicone oil to the mixing tank (22).

With respect to claim 3, see second supply line (20) through which water is supplied and controlled via second valve (28), the second supply line supplying the water to the mixing tank (22), the second valve (28) being controlled by the controller or regulator (62) for providing intermittent or interrupted flow (i.e., start/stop) flow of water to the mixing tank (22).

With respect to claim 5, the applicator (12) is placed in a trough (24), and the applicator is an applicator roll transferring the liquid mixture from the trough onto the web.

With respect to claim 7, the mixing tank (22) has a smaller volumetric capacity than the additional tank (18) as evidenced by col. 1, lines 30-35 and col. 2, lines 30-36. The mixing tank (22) is smaller than the 55 gallon drum which is the additional tank (18).

With respect to claim 11, see above and note that the printing press is not shown as evidenced by col. 2, lines 20-25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swital (US 4,637,341) in view of Gnuechtel et al (US 5,075,128).

The teachings of Switall have been mentioned above. Switall further teaches the use of a float element or fill level (see col. 3, lines 52-57) with respect to the mixing tank (22) to maintain a desired level of mixture and the use of flow regulators (52, 54) to prevent overflow of a given applicator trough (24 or 28) but Switall fails to teach or suggest using a float element or fill level sensor in relation to the applicator trough connected to the controller to monitor the fill level in the trough. However, it was known in the art, at the time the invention was made to provide a float element or fill level sensor in an applicator trough connected to the controller to monitor the fill level in the applicator trough to prevent trough overflow as evidenced by Gnuechtel et al (see col. 3, lines 27-43). It would have been obvious to one of ordinary skill in the art to provide a float element or fill level sensor as taught by Gnuechtel et al in the trough of the Switall applicator connected to the controller as an additional means of protection to prevent fluid overflow.

With respect to claim 6, Switall provides an applicator roller (12) rotatable by means (not shown) as evidenced by col. 2, lines 20-26 but Switall is silent concerning the applicator roller (12) being driven by a motor connected to the controller to regulate the applicator roller speed. However, it was known in the art, at the time the invention was made, to provide an applicator roller (12) driven by a motor connected to a controller to regulate applicator roller speed as evidenced by Gnuechtel et al (see col. 5, lines 24-29). In view of the teachings of Gnuechtel et al, it would have been obvious to one of ordinary skill in the art to connect the applicator drive means or motor of Switall to the controller in order to regulate applicator roller speed.

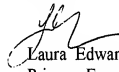
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following document discloses the state of the art with respect to a fluid supply arrangement supplying a mixture of developer/silicone oil to a buffer tank then to transfer roll; Ichida et al (WO02/093269).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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January 28, 2005